

1 WRIGHT, FINLAY & ZAK, LLP  
2 Dana Jonathon Nitz, Esq.  
3 Nevada Bar No. 0050  
4 Natalie C. Lehman, Esq.  
5 Nevada Bar No. 12995  
6 7785 W. Sahara Ave., Suite 200  
7 Las Vegas, NV 89117  
(702) 475-7964; Fax: (702) 946-1345  
dnitz@wrightlegal.net  
nlehman@wrightlegal.net  
7 *Attorneys for Defendant, Ocwen Loan Servicing, LLC*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

12 THOMAS MISDAY,

13 Plaintiff,

14 vs.

15 ALLIED COLLECTION SERVICE, INC.;  
16 OCWEN LOAN SERVICING, LLC; WELLS  
17 FARGO FINANCIAL NATIONAL BANK,  
18 EXPERIAN INFORMATION SOLUTIONS,  
19 INC.,

Defendants.

Case No. 2:15-CV-01890-RFB-PAL

Consolidated with:

Case No. 2:15-cv-01894-RFB-PAL

Case No. 2:15-cv-01907-RFB-PAL

Case No. 2:15-cv-02018-RFB-PAL

**STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE OF  
DEFENDANT OCWEN LOAN  
SERVICING, LLC**

20 Plaintiffs Barbara Misday and Thomas (“Plaintiffs”), by and through their counsel of  
21 record, Haines & Krieger, LLC, and Defendant Ocwen Loan Servicing; LLC (“Ocwen”), by and  
22 through their counsel of record, Wright, Finlay& Zak, LLP, hereby stipulate and agree as  
23 follows:

24 WHEREAS, the above captioned action concerns credit reporting related to a Note and  
25 Deed of Trust (the “Loan”) involving real property located at 2234 Lucerne Drive, Henderson,  
26 Nevada 89014, Assessor’s Parcel Number 178-07-110-060 (“Property”);

27 WHEREAS, Plaintiffs Thomas and Barbara Misday (hereinafter, “Plaintiffs” or the  
28 “Misdays”) filed four separate actions in this District that involve common questions of law and

1 fact: *Thomas Misday v. Allied Collection Services, Inc., et. al.*, Case No. 2:15-CV-01890-RFB-  
2 PAL filed on October 1, 2015 (“Action 1”); *Thomas Misday v. Nevada Credico Inc., d/b/a*  
3 *Quantum Collections, et. al.*, Case No. 2:15-CV-1894-GMN-VCF, filed on October 2, 2015  
4 (“Action 2”); *Barbara Misday v. Allied Collection Service, Inc., et.al.*, Case No. 2:15-CV-  
5 01907-JAD-NJK, filed on October 5, 2015 (“Action 3”); *Barbara Misday v. BMW Financial*  
6 *Services, et.al.*, Case No.2:15-CV-02018-RFB-PAL, filed on October 19, 2015 (“Action 4”),  
7 with all four actions involving complaints alleging causes of action against Ocwen for violations  
8 of the federal Fair Credit Reporting Act;

9 WHEREAS, on January 7, 2016, this Court entered a Transfer and Consolidation Order,  
10 consolidating Actions 1, 2, 3 and 4, with Case No. 2:15-cv-1890-RFB-PAL serving as the Base  
11 Case;

12 WHEREAS, on March 16, 2016, Plaintiffs filed a First Amended Complaint in the Base  
13 Case, consolidating the causes of action contained in the complaints filed in Actions 1, 2, 3, and  
14 4;

15 WHEREAS, the parties have come to a global settlement agreement regarding the  
16 disputes arising out of Actions 1, 2, 3 and 4, and have executed a settlement agreement.

17 NOW WHEREFORE, in resolution of the claims against Ocwen alleged in the  
18 Complaints filed in Actions 1, 2, 3 and 4 and the claims against Ocwen alleged in the First  
19 Amended Complaint,

20       ///

21

22

23

24       ///

25

26

27

28       ///

1 IT IS HEREBY STIPULATED AND AGREED that the Complaints filed in Actions 1, 2,  
2 3, and 4, and the First Amended Complaint, are dismissed with prejudice as to Defendant  
3 Ocwen, with each party to bear their own fees and costs.

4 IT IS SO STIPULATED AND AGREED.

5

6 DATED this 14<sup>th</sup> day of April, 2016.  
7 **HAINES & KRIEGER, LLC**

8 /s/ David H. Krieger, Esq.  
9 David H. Krieger, Esq.  
Nevada Bar No. 9086  
10 8985 S. Eastern Ave., Suite 350  
Henderson, Nevada 89123  
11 Phone: (702) 880-5554  
Fax: (702) 385-5518  
12 *Attorneys for Plaintiffs, Barbara Misday and*  
13 *Thomas Misday*

DATED this 14<sup>th</sup> day of April, 2016.  
**WRIGHT, FINLAY & ZAK, LLP**

8 /s/ Natalie C. Lehman, Esq.  
9 Dana Jonathon Nitz, Esq.  
Nevada Bar No. 0050  
10 Natalie C. Lehman, Esq.  
Nevada Bar No. 12995  
11 7785 W. Sahara Ave., Suite 200  
Las Vegas, Nevada 89117  
12 Phone: (702) 475-7964 Fax: (702) 946-1345  
13 *Attorneys for Defendant, Ocwen Loan*  
*Servicing, LLC*

14

15

16

**ORDER**

17

IT IS SO ORDERED.

18

Dated this 21st day of April, 2016.

19

20

21



RICHARD F. BOULWARE, II  
United States District Judge

22

23

24

25

26

27

28

*Respectfully submitted by:*

**WRIGHT, FINLAY & ZAK, LLP**

/s/ Natalie C. Lehman, Esq.

Natalie C. Lehman, Esq. (NV Bar No. 12995)

*Attorneys for Ocwen Loan Servicing, LLC*